

Rule 902. Evidence That Is Self-Authenticating.

The following items of evidence are self-authenticating; they require no extrinsic evidence of authenticity in order to be admitted:

- (1) *Domestic Public Documents That Are Sealed and Signed.* A document that bears:
 - (A) a seal purporting to be that of the United States; any state, district, commonwealth, territory, or insular possession of the United States; the former Panama Canal Zone; the Trust Territory of the Pacific Islands; a political subdivision of any of these entities; or a department, agency, or officer of any entity named above; and
 - (B) a signature purporting to be an execution or attestation.
- (2) *Domestic Public Documents That Are Not Sealed but Are Signed and Certified.* A document that bears no seal if:
 - (A) it bears the signature of an officer or employee of an entity named in Rule 902(1)(A); and
 - (B) another public officer who has a seal and official duties within that same entity certifies under seal—or its equivalent—that the signer has the official capacity and that the signature is genuine.
- (3) *Foreign Public Documents.* A document that purports to be signed or attested by a person who is authorized by a foreign country's law to do so. The document must be accompanied by a final certification that certifies the genuineness of the signature and official position of the signer or attester—or of any foreign official whose certificate of genuineness relates to the signature or attestation or is in a chain of certificates of genuineness relating to the signature or attestation. The certification may be made by a secretary of a United States embassy or legation; by a consul general, vice consul, or consular agent of the United States; or by a diplomatic or consular official of the foreign country assigned or accredited to the United States. If all parties have been given a reasonable opportunity to investigate the document's authenticity and accuracy, the court may, for good cause, either:
 - (A) order that it be treated as presumptively authentic without final certification; or
 - (B) allow it to be evidenced by an attested summary with or without final certification.
- (4) *Certified Copies of Public Records.* A copy of an official record—or a copy of a document that was recorded or filed in a public office as authorized by law—if the copy is certified as correct by:
 - (A) the custodian or another person authorized to make the certification; or
 - (B) a certificate that complies with Rule 902(1), (2), or (3), a statute, or a rule prescribed by the Supreme Court.
- (5) *Official Publications.* A book, pamphlet, or other publication purporting to be issued by a public authority.
- (6) *Newspapers and Periodicals.* Printed material purporting to be a newspaper or periodical.
- (7) *Trade Inscriptions and the Like.* An inscription, sign, tag, or label purporting to have been affixed in the course of business and indicating origin, ownership, or control.
- (8) *Acknowledged Documents.* A document accompanied by a certificate of acknowledgment that is lawfully executed by a notary public or another officer who is authorized to take acknowledgments.

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(9) *Commercial Paper and Related Documents*. Commercial paper, a signature on it, and related documents, to the extent allowed by general commercial law.

(10) *Presumptions Under a Statute*. A signature, document, or anything else that a statute declares to be presumptively or prima facie genuine or authentic.

(11) *Certified Domestic Records of a Regularly Conducted Activity*. The original or a copy of a domestic record that meets the requirements of Rule 803(6)(A)–(C), as shown by a certification of the custodian or another qualified person that complies with a statute or a rule prescribed by the Supreme Court. Before the trial or hearing, the proponent must give an adverse party reasonable written notice of the intent to offer the record—and must make the record and certification available for inspection—so that the party has a fair opportunity to challenge them.

(12) *Certified Foreign Records of a Regularly Conducted Activity*. In a civil case, the original or a copy of a foreign record that meets the requirements of Rule 902(11), modified as follows: the certification, rather than complying with a statute or Supreme Court rule, must be signed in a manner that, if falsely made, would subject the maker to a criminal penalty in the country where the certification is signed. The proponent must also meet the notice requirements of Rule 902(11).

Comment to 2012 Amendment

The language of Rule 902 has been amended to conform to the federal restyling of the Evidence Rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only. There is no intent to change any result in any ruling on evidence admissibility.

Comment to Original 1977 Rule

The language “general commercial law” in (9) is carried forward from the Federal Rule. In Arizona, the reference is to the Uniform Commercial Code as adopted in this State.

Cases

Paragraph (4) — Certified copies of public records.

902.4.010 A copy of a public record is admissible if it is accompanied by a certificate from the custodian or other person so authorized certifying that the copy is correct, and the certificate satisfies the requirements of either paragraph (1), (2), or (3).

* *State v. Shivers*, 230 Ariz. 91, 280 P.3d 635, ¶ 6 n.2 (Ct. App. 2012) (defendant charged with interfering with judicial process; defendant did not contest that written declaration of service qualified as self-authenticating).

State v. King, 213 Ariz. 632, 146 P.3d 1274, ¶¶ 5–8 (Ct. App. 2006) (records from municipal court did not include certificate required by this rule, thus they were not self-authenticating under this rule; court held, however, that they were authenticated under Rule 901(b)(7)).

State v. Cons, 208 Ariz. 409, 94 P.3d 609, ¶ 18 (Ct. App. 2004) (court held certified copies of defendant’s prior convictions were admissible under this rule).

AUTHENTICATION AND IDENTIFICATION

Ogden v. J.M. Steel Erecting, Inc., 201 Ariz. 32, 31 P.3d 806, ¶¶ 34–35 (Ct. App. 2001) (plaintiffs offered driver's MVD record (listing three prior offenses) and police reports purporting to show truck alleged driving record (listing 10 additional prior offenses); MVD record was certified and thus self-authenticating, a fact to which parties stipulated).

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